

~~CONFIDENTIAL~~

JR

14 Sept. 1979



SA/DDS&T

OE45 Headquarters

*Policy
classification in column 15
class DS*

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DD/FBIS	
AC/E&PS	<i>[Signature]</i>
C/LRB	<i>mm</i>
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Director, Foreign Broadcast
Information Service

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MEMORANDUM FOR: General Counsel

FROM:

Special Assistant, DDS&T

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SUBJECT: Classification of Serial Publication
TRENDS IN COMMUNIST MEDIA

1. This memorandum requests your opinion regarding the security classification under EO 12065 of the TRENDS IN COMMUNIST MEDIA, an uncoordinated analytical publication based on open media sources produced weekly by FBIS.

2. The FBIS TRENDS has been classified Confidential since its inception in 1950. In 1972 after the promulgation of Executive Order 11652, the Confidential classification was reconfirmed on the basis that it contained National Security Information material (material involving sensitive foreign relations) which if released prematurely could adversely affect U.S. interests. In 1975, the DDI approved the decision to automatically declassify the TRENDS six months from date of issue and offer it for public sale through NTIS--a move in keeping with the policy encouraging the public release of Agency publications. (At present subscribers to the declassified TRENDS include a number of universities and research centers in the United States and a few abroad.)

3. FBIS believes a Confidential classification of the TRENDS is not consistent with EO 12065. Under the new guidelines, the justification for classifying analytical publications is that

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unauthorized disclosure could reasonably be expected to cause identifiable damage to national security (by adversely affecting U.S. foreign relations or activities). Moreover, the new Executive Order says that information should not be classified if there is any reasonable doubt whether such classification could be justified. FBIS is convinced that revelation of TRENDS articles could not cause such damage: The TRENDS article discusses U.S. policy and foreign affairs only in terms of what has been publicly announced, and inferences are based solely on the content of communist media; articles in the TRENDS reveal no information about private diplomacy, and contain no estimative judgments about policy. In the wake of EO 12065, OPA normally is not classifying analysis based solely on public media sources.

4. For the past several months, individual TRENDS articles have uniformly been labeled FOR OFFICIAL USE ONLY, and FBIS has recommended discontinuing the Confidential classification of the weekly and publishing it with a temporary (six months) FOUO control. FBIS bases its conclusion that FOUO would adequately protect the TRENDS on almost a decade of evidence that the FOUO label on wirefiled extracts has been respected.

5. There are those in the Directorate, however, who doubt that FOUO is a meaningful control and who believe the sum of the total TRENDS content justifies a Confidential classification even if each individual article is unclassified. This line of argument is that FBIS analysts must in part reach decisions on what subjects

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to address from access to all-source intelligence and awareness of policymakers' interests; consequently the TRENDS content into could contain information which if released prematurely might be damaging to U.S. interests. Therefore, pending your review, the TRENDS cover has continued to be stamped "Confidential."

6. We need your opinion whether there are legal grounds under EO 12065 to issue the FOUO TRENDS articles under a Confidential cover. A sample copy of the TRENDS is attached, and I will be glad to discuss this matter with you or furnish any other information you may need including discussions with personnel in FBIS.



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Attachment:
As stated

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